

2020 Regular Session

HOUSE BILL NO. 514

BY REPRESENTATIVE WILLARD

TRANSPORTATION: Provides relative to electric-assisted bicycles

1 AN ACT

2 To amend and reenact R.S. 32:1(4), (38), (40), and (41) and 203(C) and to enact R.S.  
3 32:1(95) and 204 through 204.4, relative to electric-assisted bicycles; to provide for  
4 definitions; to provide for the operation, rights, requirements, and restrictions  
5 applicable to electric-assisted bicycles; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1(4), (38), (40) and (41) and 203(C) are hereby amended and  
8 reenacted and R.S. 32:1(95) and 204 through 204.4 are hereby enacted to read as follows:

9 §1. Definitions

10 When used in this Chapter, the following words and phrases have the  
11 meanings ascribed to them in this Section, unless the context clearly indicates a  
12 different meaning:

13 \* \* \*

14 (4) "Bicycle" means every device upon which any person or persons, if the  
15 design accommodates passengers, may ride, propelled exclusively by human power,  
16 and having one or more wheels or an electric-assisted bicycle as defined in R.S.  
17 32:1(95), having two tandem wheels, either of which is sixteen inches or more in  
18 diameter, or three wheels, any one of which is twenty inches or more in diameter.

19 \* \* \*

20 (38) "Motorcycle" means every motor vehicle having a seat or saddle for the  
21 use of the rider and designed to travel on not more than three wheels in contact with

1 the ground, but excluding a tractor ~~and excluding~~, a motorized bicycle, and an  
2 electric-assisted bicycle.

3 \* \* \*

4 (40) "Motor vehicle" means every vehicle which is self-propelled, and every  
5 vehicle which is propelled by electric power obtained from overhead trolley wires,  
6 but not operated upon rails, but excluding a motorized bicycle and electric-assisted  
7 bicycle. "Motor vehicle" shall also include a "low-speed vehicle" which is a four-  
8 wheeled, electric-powered vehicle with a maximum speed of not less than twenty  
9 miles per hour but not more than twenty-five miles per hour and is equipped with the  
10 minimum motor vehicle equipment appropriate for vehicle safety as required in 49  
11 ~~C.F.R.~~ CFR 571.500.

12 (41) "Motorized bicycle" means a pedal bicycle which may be propelled by  
13 human power or helper motor, or by both, but excluding an electric-assisted bicycle,  
14 with a motor rated no more than one and one-half brake horsepower, a cylinder  
15 capacity not exceeding fifty cubic centimeters, an automatic transmission, and which  
16 produces a maximum design speed of no more than twenty-five miles per hour on  
17 a flat surface.

18 \* \* \*

19 (95) "Electric-assisted bicycle" means every bicycle upon which any person  
20 or persons, if the design accommodates passengers, may ride, having two tandem  
21 wheels, either of which is sixteen inches or more in diameter, or three wheels, any  
22 of which is twenty inches or more in diameter, equipped with fully operable pedals,  
23 and an electric motor of less than seven hundred fifty watts that meets the  
24 requirement of one of the following classes:

25 (a) "Class one electric-assisted bicycle" means an electric-assisted bicycle  
26 equipped with a motor, which provides assistance only when the rider is pedaling  
27 and ceases to provide assistance when the bicycle reaches the speed of twenty miles  
28 per hour.

1           (b) "Class two electric-assisted bicycle" means an electric-assisted bicycle  
2           equipped with a motor, which may be used exclusively to propel the bicycle and is  
3           not capable of providing assistance when the bicycle reaches the speed of twenty  
4           miles per hour.

5           (c) "Class three electric-assisted bicycle" means an electric-assisted bicycle  
6           equipped with a motor, which provides assistance only when the rider is pedaling  
7           and ceases to provide assistance when the bicycle reaches the speed of twenty-eight  
8           miles per hour.

9   \*       \*       \*

10          §203. Motor vehicles operating in bicycle lanes

11   \*       \*       \*

12           C. This Section shall not prohibit the use of a motorized bicycle or an  
13           electric-assisted bicycle in a bicycle lane when the operator travels at no speed  
14           greater than what is reasonable or prudent, has due regard for visibility, traffic  
15           conditions, and the condition of the roadway surface of the bicycle lane and in a  
16           manner which does not endanger the safety of bicyclists.

17   \*       \*       \*

18          §204. Rights and duties of electric-assisted bicycles

19           Except as otherwise provided in this Chapter, an electric-assisted bicycle or  
20           an operator of an electric-assisted bicycle shall be afforded all the rights and  
21           privileges, and shall be subject to all of the duties, of a bicycle or the operator of a  
22           bicycle. An electric-assisted bicycle shall be considered a vehicle in the same  
23           regards as a bicycle.

24          §204.1. Labeling requirement; tampering restriction

25           A. On and after August 1, 2020, manufacturers and distributors of electric-  
26           assisted bicycles shall apply a label permanently affixed in a prominent location to  
27           each electric-assisted bicycle. The label shall contain the classification number, top-  
28           assisted speed, and motor wattage of the electric-assisted bicycle.

1           B. No person shall tamper with or modify an electric-assisted bicycle so as  
2           to change its classification, unless the manufacturer's label indicating the  
3           classification is appropriately replaced.

4           §204.2. Trail use by classification; electric-assisted bicycles

5           A. Class one and Class two electric-assisted bicycles may operate on a  
6           permitted bicycle or shared-use trail. However, the local municipal authority, local  
7           parish authority, or state agency having jurisdiction over a bicycle or shared-use trail  
8           may prohibit the operation of Class one or Class two electric-assisted bicycles on  
9           such trail.

10           B. A Class three electric-assisted bicycle shall not be operated on a bicycle  
11           or shared-use trail unless it is within or adjacent to a highway or roadway, or unless  
12           the local municipal authority, local parish authority, or state agency having  
13           jurisdiction over the trail permits such operation.

14           §204.3. Age restrictions; helmet requirements

15           A. No person under the age of sixteen shall operate a Class three electric-  
16           assisted bicycle. A person under the age of sixteen may ride as a passenger on a  
17           Class three electric-assisted bicycle designed to accommodate passengers.

18           B. All operators and passengers of a Class three electric-assisted bicycle  
19           shall wear a properly fitted, fastened bicycle helmet that meets the standards  
20           provided by either the United States Consumer Product Safety Commission or the  
21           American Society for Testing and Materials, or standards subsequently established  
22           by either entity.

23           §204.4. Speedometer requirement

24           All Class three electric-assisted bicycles shall be equipped with a  
25           speedometer that displays the speed in miles per hour.

26           Section 2. The Louisiana State Law Institute is hereby directed to renumber in  
27 consecutive sequence and to reorder the definitions in R.S. 32:1 in alphabetical sequence.

28           Section 3. This Act shall be effective on August 1, 2020.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 514 Original

2020 Regular Session

Willard

**Abstract:** Defines "electric-assisted bicycles" and provides for the operation, rights, requirements, and restrictions applicable to electric-assisted bicycles.

Present law provides definitions related to motor vehicles and traffic regulations.

Present law defines "bicycle" as every device upon which any person may ride, propelled exclusively by human power, and having one or more wheels.

Proposed law modifies the definition of "bicycle" from every device upon which any person may ride to every device upon which any person or persons may ride when the design accommodates passengers. Proposed law modifies the definition of "bicycle" from a device having one or more wheels to a device having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any one of which is 20 inches or more in diameter.

Proposed law defines an "electric-assisted bicycle" as every bicycle upon which any person or persons, when the design accommodates passengers, may ride, having two tandem wheels, either of which is 16 inches or more in diameter, or three wheels, any of which is 20 inches or more in diameter, equipped with fully operable pedals, and an electric motor of less than 750 watts that meets the requirement of either a Class one electric-assisted bicycle, a Class two electric-assisted bicycle, or a Class three electric assisted bicycle.

Proposed law defines a "Class one electric-assisted bicycle" as an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 mph.

Proposed law defines a "Class two electric-assisted bicycle" as an electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 mph.

Proposed law defines a "Class three electric-assisted bicycle" as an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 mph.

Present law defines a "motorcycle" as every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. Present law excludes a tractor and a motorized bicycle from the definition of a motorcycle.

Proposed law adds an exclusion for an "electric-assisted bicycle" to the definition of a motorcycle.

Present law defines "motor vehicle" as every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. Present law excludes a motorized bicycle from the definition of a motor vehicle.

Proposed law adds an exclusion for an "electric-assisted bicycle" to the definition of "motor vehicle".

Present law defines "motorized bicycle" as a pedal bicycle which may be propelled by human power or helper motor, or by both, with a motor rated no more than one and one-half brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and which produces a maximum design speed of 25 mph on a flat surface.

Proposed law adds an exclusion for an "electric-assisted bicycle" to the definition of a "motorized bicycle".

Present law authorizes the use of a motorized bicycle in a bicycle lane when the driver travels at a reasonable or prudent speed, has due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner which does not endanger the safety of bicyclists.

Proposed law also authorizes the use of an electric-assisted bicycle in a bicycle lane when the driver travels at a reasonable or prudent speed, has due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner which does not endanger the safety of bicyclists.

Proposed law requires electric-assisted bicycles or an operator of an electric-assisted bicycle to be afforded all the rights, privileges, and duties of a bicycle or the operator of a bicycle. An electric-assisted bicycle is considered a vehicle in the same regards as a bicycle.

Proposed law requires manufacturers and distributors of electric-assisted bicycles to apply a label permanently affixed in a prominent location to each electric-assisted bicycle. Proposed law requires the label contain the classification number, top-assisted speed, and motor wattage of the electric-assisted bicycle. Proposed law establishes an effective date of Aug. 1, 2020.

Proposed law prohibits a person from tampering with or modifying an electric-assisted bicycle so as to change its classification, unless the manufacturer's label indicating its classification is appropriately replaced.

Proposed law authorizes a "Class one electric-assisted bicycle" or "Class two electric-assisted bicycle" to operate on a permitted bicycle or shared-use trail. Proposed law authorizes the local municipal authority, local parish authority, or state agency having jurisdiction over a bicycle or shared-use trail to prohibit the operation of a "Class one electric-assisted bicycle" or "Class two electric-assisted bicycle" on a permitted bicycle or shared-use trail.

Proposed law prohibits a Class three electric-assisted bicycle from operating on a bicycle or shared-use trail unless within or adjacent to a highway or roadway, or unless the local municipal authority, local parish authority, or state agency having jurisdiction over the trail permits this operation.

Proposed law prohibits a person under the age of 16 from operating a "Class three electric-assisted bicycle". Proposed law authorizes a person under the age of 16 to ride as a passenger on a "Class three electric-assisted bicycle" designed to accommodate passengers.

Proposed law requires all operators and passengers of Class three electric-assisted bicycles to wear a properly fitted, fastened bicycle helmet that meets the standards provided by either the U.S. Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by either entity.

Proposed law requires Class three electric-assisted bicycles be equipped with a speedometer that displays the speed in mph.

Effective Aug. 1, 2020.

(Amends R.S. 32:1(4), (38), (40) and (41) and 203(C); Adds R.S. 32:1(95) and 204-204.4)